

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEON JACKSON, #272196,

Plaintiff,

v.

Case No. 2:05-cv-188
HON. R. ALLAN EDGAR

KATHLEEN HORNICK;
GREG CLEMENT;
WILLIAM LEUTZOW;
ERIK JACOBSON; and
JAMES CHIPMAN, *et al.*,

Defendants.

_____ /

ORDER

Defendants move pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the plaintiff's complaint for failure to state a claim upon which relief can be granted. [Doc. No. 21]. Defendants contend that plaintiff has not completely exhausted his available administrative remedies as required by 42 U.S.C. § 1997e(a).

Magistrate Judge Timothy P. Greeley has submitted a report and recommendation under 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.1 recommending that the defendants' motion be denied. [Doc. No. 32]. The parties have not timely filed any objections. After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b).

Accordingly, the defendants' motion to dismiss the plaintiff's complaint [Doc. No. 21] is

DENIED.

SO ORDERED.

Dated: 6/21/06

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE